

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carter Salis	Team: Squad #4	CCRB Case #: 201810204	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 11/07/2018 , Thursday, 11/08/2018 7:28 PM	Location of Incident: Outside of the 17th Precinct stationhouse	Precinct: 17	18 Mo. SOL 5/8/2020	EO SOL 12/23/2020	
Date/Time CV Reported Sun, 12/02/2018 1:01 AM	CV Reported At: IAB	How CV Reported: E-mail	Date/Time Received at CCRB Fri, 12/07/2018 10:59 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Mark Moore	864	939065	017 DET
2. An officer			017 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Phuong Tran	04647	939600	017 PCT
2. POM Zakir Hossain	21797	940272	017 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Abuse: An officer threatened to remove § 87(2)(b) to the hospital.	
B.DT3 Mark Moore	Abuse: Detective Mark Moore threatened to remove § 87(2)(b) to the hospital.	

Case Summary

On December 2, 2019, § 87(2)(b) emailed this complaint to the IAB Command Center. On December 7, 2019, this complaint was received at the CCRB.

On November 8, 2019, at approximately 3:00 PM, § 87(2)(b) appeared at the 17th Precinct stationhouse in Manhattan to inquire about the status of a criminal complaint that he had previously filed. § 87(2)(b) waited three hours before an unidentified officer approached him. The unidentified officer told § 87(2)(b) that he should allow officers to call an ambulance and transport him to a mental hospital. § 87(2)(b) inquired why. The unidentified officer said that he would find some reason for having § 87(2)(b) sent to the hospital (**Allegation A—Abuse of Authority—§ 87(2)(g)**).

After a half hour, Det. Mark Moore, of the 17th Precinct Detective Squad, approached and told § 87(2)(b) that officers would call an ambulance and take him to the hospital (**Allegation B—Abuse of Authority—§ 87(2)(g)**). § 87(2)(b) left the stationhouse. He was not summonsed or arrested as a result of this incident.

The investigation obtained four BWC videos in relation to this incident, although none capture the period during which the alleged misconduct was said to have occurred.

Findings and Recommendations

Allegation (A) Abuse of Authority: An officer threatened to remove § 87(2)(b) to the hospital.

Allegation (B) Abuse of Authority: Detective Mark Moore threatened to remove § 87(2)(b) to the hospital.

§ 87(2)(b) (BR 01) stated that he appeared at the 17th Precinct stationhouse to discuss a case that he had previously filed. A white male in sports attire, who § 87(2)(b) referred to as a detective, approached § 87(2)(b). § 87(2)(b) could not describe the officer further. § 87(2)(b) asked this unidentified officer several questions about his case. The unidentified officer told § 87(2)(b) that he did not require the officers' protection and that he should allow the officers to take him to the hospital. § 87(2)(b) asked the unidentified officer why he would propose removing him to the hospital and the unidentified officer responded that he would find some reason.

Later that afternoon, Det. Moore approached § 87(2)(b) and asked to speak to him outside of the stationhouse. § 87(2)(b) and Det. Moore were accompanied by an unidentified officer. Det. Moore told § 87(2)(b) that the officers were going to call an ambulance and take him to the hospital. § 87(2)(b) called IAB in front of Det. Moore, and detailed Det. Moore's statements about calling an ambulance. Det. Moore asked § 87(2)(b) for his phone and § 87(2)(b) handed his phone to Det. Moore. Det. Moore walked away, spoke to the female IAB detective, and returned § 87(2)(b)'s phone. § 87(2)(b) then spoke to the female IAB detective, who attempted to convince § 87(2)(b) that he should go to the hospital. § 87(2)(b) then called IAB in front of Det. Moore. § 87(2)(b) also spoke to PO Zakir Hossain and Sgt. Phuong Tran, both of the 17th Precinct, and then left the stationhouse. § 87(2)(b) filed this complaint with the CCRB approximately one month after the incident and he refused to provide the incident date.

Det. Moore (BR 05) spoke to § 87(2)(b). § 87(2)(b) stated that he wished to follow up on the status of an old case. Det. Moore travelled upstairs in the stationhouse, referenced the computer system, and determined that § 87(2)(b)'s case had been closed several years prior. Det. Moore returned to § 87(2)(b) who was standing outside the front doors of the

stationhouse. There were no other officers nearby while Det. Moore spoke to § 87(2)(b). Det. Moore explained that § 87(2)(b)'s case had been closed. § 87(2)(b) asked to file a criminal complaint regarding threatening emails he had received. Det. Moore told § 87(2)(b) he would file his complaint when § 87(2)(b) produced the emails. § 87(2)(b) told Det. Moore that, while he was inside the stationhouse, a plain clothes officer told him that officers were going to send him to the hospital. Det. Moore asked for additional identifying information about the person who threatened to remove § 87(2)(b) to the hospital, but § 87(2)(b) was unable to do so. § 87(2)(b) called IAB in front of Det. Moore. § 87(2)(b) handed the phone to Det. Moore, who then spoke to the IAB detective for several minutes. Det. Moore did not recall the substance of his or § 87(2)(b)'s conversations with the IAB detective. Det. Moore did not threaten to remove § 87(2)(b) to the hospital or witness any other officer do so.

PO Hossain (BR 06) testified that he was working as the T/S operator when § 87(2)(b) appeared at the 17th Precinct stationhouse. PO Hossain observed § 87(2)(b) leave the stationhouse with an officer. Upon re-entering the stationhouse, § 87(2)(b) asked PO Hossain to speak to a supervisor. PO Hossain referred § 87(2)(b) to speak with Sgt. Tran, who was the desk sergeant on duty. PO Hossain never witnessed an officer threaten to remove § 87(2)(b) to the hospital.

Sgt. Tran (BR 07) had no recollection of the incident.

In the audio attached to IAB Log #18-44577 (BR 02), § 87(2)(b) speaks to an IAB detective and states that earlier that day he appeared at the 17th Precinct stationhouse and spoke with two detectives, one of whom was Det. Moore. The narrative § 87(2)(b) provided to the IAB detective is consistent with his CCRB testimony, although he does not allege that an officer threatened to remove him to the hospital.

Between April 24, 2019 and May 30, 2019, the investigator made numerous attempts to obtain IAB Log audio which would have captured § 87(2)(b)'s conversation with Det. Moore during the incident. On May 30, 2019, Det. Jean-Pierre, from the IAB Liaison Unit, emailed the investigation a summary (BR 03) of the logs he reviewed pertaining to the investigator's requests. Det. Jean-Pierre stated that, to his knowledge, there existed no audio recording of a conversation between the IAB Command Center, § 87(2)(b) and Det. Moore. The audios of the IAB Logs were not provided to the investigation for independent review.

Between January 15, 2019 and June 27, 2019, numerous attempts (BR 04) were made to obtain the Command Log and Roll Call for the 17th Precinct Detective Squad for November 8, 2018. As of this report, the investigation has not received the requested documents.

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been party (BR 08).

- Detective Mark Moore has been a member-of-service for thirteen years and has been a subject in one other CCRB complaint and two other allegations, none of which were substantiated.

○ § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of March 18, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR 09).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: Squad 4

Investigator:	_____	Investigator Carter Salis	08/19/2019
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date